

# Journal of the House

State of Indiana

114th General Assembly

Second Regular Session

Seventeenth Meeting Day



Tuesday Afternoon


February 7, 2006

The House convened at 1:30 p.m. with Speaker Brian C. Bosma in the Chair.

The Pledge of Allegiance to the Flag was led by Representative Matthew D. Whetstone.

The Speaker ordered the roll of the House to be called:

Aguilera	Koch
Austin	Kromkowski
Avery	Kuzman
Ayres	L. Lawson
Bardon	Lehe
Bauer	Leonard
Behning	J. Lutz
Bell	Mahern
Bischoff 	Mays
Borders	McClain
Borror	Messer
C. Bottorff	Micon
Bright 	Moses
C. Brown 	Murphy
T. Brown	Neese
Buck	Noe
Budak	Orentlicher
Buell	Oxley
Burton	Pelath
Cheney	Pflum
Cherry	Pierce
Cochran	Pond
Crawford	Porter
Crooks	Reske
Crouch 	Richardson
Davis	Ripley
Day	Robertson
Denbo	Ruppel
Dickinson 	Saunders
Dobis	J. Smith
Dodge	V. Smith
Duncan	Stevenson
Dvorak	Stilwell
Espich	Stutzman
Foley	Summers
Friend	Thomas
Frizzell	Thompson
Fry	Tincher
GiaQuinta	Torr
Goodin	Turner
Grubb	Tyler
Gutwein 	Ulmer
E. Harris	VanHaaften
T. Harris	Walorski
Heim	Welch
Hinkle	Whetstone
Hoffman	Wolkins
Hoy	Woodruff
Kersey	Yount
Klinker	Mr. Speaker

Roll Call 212: 94 present; 6 excused. The Speaker announced a quorum in attendance. [NOTE:  indicates those who were excused.]

## HOUSE MOTION

Mr. Speaker: I move that when we do adjourn, we adjourn until Monday, February 13, 2006 at 1:30 p.m.

KOCH

Motion prevailed.

## MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has passed Senate Concurrent Resolutions 26, 32, and 33 and the same are herewith transmitted to the House for further action.

MARY C. MENDEL  
Principal Secretary of the Senate

## MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has passed Senate Concurrent Resolution 27 and the same is herewith transmitted to the House for further action.

MARY C. MENDEL  
Principal Secretary of the Senate

## MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has passed Senate Concurrent Resolution 28 and the same is herewith transmitted to the House for further action.

MARY C. MENDEL  
Principal Secretary of the Senate

## INTRODUCTION OF BILLS

The following bills were read a first time by title and referred to the respective committees:

### ESB 1 — Buck

Committee on Government and Regulatory Reform

A BILL FOR AN ACT to amend the Indiana Code concerning local government.

### ESB 6 — Ulmer, Grubb

Committee on Courts and Criminal Code

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

### ESB 17 — Walorski, Ayres

Committee on Ways and Means

A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

### ESB 18 — T. Brown, C. Brown

Committee on Public Health

A BILL FOR AN ACT to amend the Indiana Code concerning human services.

### ESB 35 — Wolkins, Moses

Committee on Local Government

A BILL FOR AN ACT to amend the Indiana Code concerning local government.

### ESB 36 — Noe, C. Brown

Committee on Public Health

A BILL FOR AN ACT to amend the Indiana Code concerning human services.

**ESB 54** — Woodruff, Koch, Goodin

Committee on Public Safety and Homeland Security

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

**ESB 56** — Buell, Kromkowski

Committee on Ways and Means

A BILL FOR AN ACT to amend the Indiana Code concerning pensions.

**ESB 71** — Dodge, Friend, Moses, Reske

Committee on Local Government

A BILL FOR AN ACT to amend the Indiana Code concerning local government.

**ESB 86** — Messer, Gutwein, Robertson

Committee on Public Policy and Veterans Affairs

A BILL FOR AN ACT to amend the Indiana Code concerning agriculture and animals.

**ESB 106** — Walorski, Davis, McClain, Fry

Committee on Ways and Means

A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

**ESB 143** — Leonard, Moses

Committee on Elections and Apportionment

A BILL FOR AN ACT to amend the Indiana Code concerning elections.

**ESB 145** — Duncan, Noe, Behning

Committee on Roads and Transportation

A BILL FOR AN ACT to amend the Indiana Code concerning civil procedure.

**ESB 151** — Turner, Budak, Crawford

Committee on Family, Children and Human Affairs

A BILL FOR AN ACT to amend the Indiana Code concerning human services.

**ESB 160** — Ulmer, Kuzman

Committee on Courts and Criminal Code

A BILL FOR AN ACT to amend the Indiana Code concerning corrections.

**ESB 166** — T. Brown, Austin

Committee on Public Health

A BILL FOR AN ACT to amend the Indiana Code concerning professions and occupations.

**ESB 173** — Behning

Committee on Education

A BILL FOR AN ACT concerning education.

**ESB 192** — Foley, Ayres

Committee on Courts and Criminal Code

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

**ESB 193** — Bell, VanHaaften

Committee on Courts and Criminal Code

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

**ESB 194** — Thompson, Oxley

Committee on Education

A BILL FOR AN ACT to amend the Indiana Code concerning education.

**ESB 202** — T. Brown, Budak, C. Brown

Committee on Public Health

A BILL FOR AN ACT to amend the Indiana Code concerning professions and occupations.

**ESB 217** — Ripley, Moses, Pond, Dvorak

Committee on Local Government

A BILL FOR AN ACT to amend the Indiana Code concerning local government.

**ESB 229** — Turner

Committee on Insurance

A BILL FOR AN ACT to amend the Indiana Code concerning insurance.

**ESB 232** — Foley, Mays

Committee on Judiciary

A BILL FOR AN ACT to amend the Indiana Code concerning courts and court officers.

**ESB 235** — Duncan

Committee on Roads and Transportation

A BILL FOR AN ACT to amend the Indiana Code concerning motor vehicles and to make an appropriation.

**ESB 236** — Friend, Turner

Committee on Roads and Transportation

A BILL FOR AN ACT to amend the Indiana Code concerning motor vehicles.

**ESB 264** — Duncan, Mahern

Committee on Roads and Transportation

A BILL FOR AN ACT to amend the Indiana Code concerning motor vehicles.

**ESB 266** — T. Brown, C. Brown

Committee on Public Health

A BILL FOR AN ACT to amend the Indiana Code concerning health.

**ESB 274** — Torr, Pelath

Committee on Local Government

A BILL FOR AN ACT to amend the Indiana Code concerning local government.

**RESOLUTIONS ON FIRST READING****House Concurrent Resolution 30**

Representative Kuzman introduced House Concurrent Resolution 30:

A CONCURRENT RESOLUTION honoring Lowell High School.

*Whereas, The Lowell High School Red Devils are the 2005 Class 4A state football champions;**Whereas, Lowell High School fought its way back from a 13-point fourth quarter deficit to defeat three time champ Roncalli High School and win the school's first state championship by a score of 28-27 in the RCA Dome in Indianapolis;**Whereas, The third quarter began with a 70-yard, 15-play drive culminating in a third-and-goal touchdown from the one yard line;**Whereas, Roncalli responded by going 71 yards in nine plays to make it 27-14, but Lowell blocked the extra point;**Whereas, The Red Devils answered with a 65-yard drive to score on a 21-yard pass with 9:12 left in the game;**Whereas, Lowell did not punt in the entire game; perhaps it was this persistence that influenced Roncalli's decision to pass on a third-and-11 from its own 30-yard line with less than eight minutes to play and a six-point lead;**Whereas, Lowell intercepted the pass and scored from the 28-yard line in four plays; and**Whereas, The story of the Lowell High School football team is one of persistence and dedication to a goal that led this team to become one of an elite group of state championship teams: Therefore,**Be it resolved by the House of Representatives of the General Assembly of the State of Indiana, the Senate concurring:*

SECTION 1. That the Indiana General Assembly congratulates the Lowell High School Red Devils on their 11-4 season and on their victory in the Class 4A state football championship and recognizes their dedication and hard work that enabled them to achieve this victory.

SECTION 2. That the Principal Clerk of the House of Representatives shall transmit a copy of this resolution to the members of the team, head coach Kirk Kennedy, principal Jim Koger, and superintendent Dr. Alice Neal.

The resolution was read a first time and adopted by voice vote. The Clerk was directed to inform the Senate of the passage of the resolution. Senate sponsor: Senator Landske.

### House Concurrent Resolution 31

Representative Crawford introduced House Concurrent Resolution 31:

A CONCURRENT RESOLUTION recognizing the Family Fun Filled Back-to-School Carnival Celebration.

*Whereas, Seven years ago Sheryl Wise began the Family Fun Filled Back-to-School Carnival Celebration in partnership with Martindale, Brightwood, and Forest Manor residents, Metropolitan School District of Perry Township, Indianapolis Public Schools, Marion County Sheriff, Indianapolis Police Department, Indiana Minority Business/Magazine, Family Fun Filled, Inc., and the stations of Radio One;*

*Whereas, The purpose of the program is to encourage parents to participate in their child's educational process, direct families and kids how to access community resources, bring together community partners through collaborative efforts, and celebrate that "it does take a whole village to raise a child";*

*Whereas, To encourage parents to participate, children must bring a parent to gain admission;*

*Whereas, Sheryl Wise knows the value of parents' involvement in their children's education;*

*Whereas, In Indianapolis Public Schools, 15% of schools have no active parent groups to raise money, chaperone field trips, or lead projects;*

*Whereas, During the Family Fun Filled Back-to-School Carnival Celebration, educational resources are shared, health and wellness issues are addressed, cultural awareness is highlighted, and carnival rides and activities are available; and*

*Whereas, The Family Fun Filled Back-to-School Carnival Celebration continues to grow, thanks to the efforts of Founder, Director, and Event Coordinator Sheryl Wise, who has made children her priority: Therefore,*

*Be it resolved by the House of Representatives of the General Assembly of the State of Indiana, the Senate concurring:*

SECTION 1. That the Indiana General Assembly wishes to thank Sheryl Wise and the Family Fun Filled Back-to-School Carnival Celebration for their efforts to help our youth and their families and for bringing together the churches, schools, and community centers in this effort.

SECTION 2. That the Principal Clerk of the House of Representatives shall transmit a copy of this resolution to Sheryl Wise.

The resolution was read a first time and adopted by voice vote. The Clerk was directed to inform the Senate of the passage of the resolution. Senate sponsor: Senator Howard.

### House Concurrent Resolution 32

Representative V. Smith introduced House Concurrent Resolution 32:

A CONCURRENT RESOLUTION celebrating Black History Month.

*Whereas, Black history has been celebrated by Americans each year since 1926, first as Negro History Week and later as Black History Month;*

*Whereas, Blacks have been in America since colonial times, but it was not until the 20th century that they were represented in history books;*

*Whereas, The celebration of Black History Month and the study of Black history came into being through the efforts of Dr. Carter G. Woodson;*

*Whereas, Dr. Woodson's parents were former slaves, and he spent his childhood working in the Kentucky coal mines;*

*Whereas, Dr. Woodson enrolled in high school at age 20, graduated within two years, and went on to earn a Ph.D. from Harvard University;*

*Whereas, Dr. Woodson was disturbed to find that history books largely ignored the Black American population and only mentioned Blacks in ways that reflected the inferior social position they were assigned at the time;*

*Whereas, Dr. Woodson began the task of writing Black Americans into the nation's history;*

*Whereas, Through the efforts of Dr. Woodson, several organizations were established as a way to bring national attention to the contributions of Black people throughout American history, including the Association for the Study of Negro Life and History, founded in 1915 (now known as the Association for the Study of African American Life and History), the Journal of Negro History (now known as the Journal of African American History), and in 1926, the establishment of Negro History Week;*

*Whereas, Woodson chose the second week of February for Negro History Week because it marks the birthdays of two men who greatly influenced the Black American population, Frederick Douglass and Abraham Lincoln;*

*Whereas, Black History Month, celebrated in February, acknowledges the achievements of Blacks in the military, the arts, civil rights, education, entertainment, history, law, literature, medicine, music, politics, science, sports, and other areas;*

*Whereas, Black History Month aims to bridge the gap created by American history's failure to accurately acknowledge, portray, and record the contributions and inventions of Blacks; and*

*Whereas, Black Americans reflect a legacy of courage and dedication that has helped to guide our nation's success and prosperity: Therefore,*

*Be it resolved by the House of Representatives of the General Assembly of the State of Indiana, the Senate concurring:*

SECTION 1. That the Indiana General Assembly acknowledges the many contributions and accomplishments of Black Americans throughout the history of the United States and Indiana.

The resolution was read a first time and adopted by voice vote. The Clerk was directed to inform the Senate of the passage of the resolution. Senate sponsors: Senators Rogers, S. Smith, Breaux, and Howard.

### House Concurrent Resolution 33

Representative Crawford introduced House Concurrent Resolution 33:

A CONCURRENT RESOLUTION memorializing Coretta Scott King.

*Whereas, Coretta Scott King died on January 31, 2006, at the age of 78;*

*Whereas, Coretta Scott King had been in failing health for several years following a stroke;*

*Whereas, Coretta Scott King first gained widespread recognition as the wife of the Reverend Dr. Martin Luther King, Jr.;*

*Whereas, Coretta Scott King, however, was a tireless advocate for social and political issues in her own right;*

*Whereas, Coretta Scott King was born into poverty in Heiberger, Alabama, on April 27, 1927, one of three children;*

*Whereas, Coretta Scott King spent her childhood on her parents'*

*farm in Heiberger, which had been in the family since the Civil War;*

*Whereas, The Scotts were so hard hit during the Depression that the children picked cotton to help earn money;*

*Whereas, Coretta Scott King's father, Obediah Scott, was the first black person in the district to own a truck and open a country store;*

*Whereas, As a young child, Coretta Scott King walked five miles each day to attend the one-room Crossroads School;*

*Whereas, When she was older, Coretta Scott King studied at Lincoln High School in Marion, Alabama, nine miles away; because this was too far to walk, her mother hired a bus and drove all the black students in the area to and from school;*

*Whereas, Coretta Scott King was an intelligent, hardworking student who did well in her schoolwork and was at the top of her class when she graduated in 1945;*

*Whereas, After graduation from high school, she enrolled at Antioch College, Ohio, where her sister Edythe had been the first full-time black student to live on campus;*

*Whereas, While at Antioch College, Coretta Scott King majored in music and education and took part in a work-study program, acting as a camp counselor, library assistant, and nursery school attendant;*

*Whereas, Upon graduation in 1951, Coretta Scott King decided to become a professional singer and was accepted by the New England Conservatory of Music in Boston;*

*Whereas, It was while she was studying at the conservatory she met Martin Luther King, Jr., also a student in Boston at the time; they were married in 1953 and had three children, Martin Luther III, Dexter, and Bernice;*

*Whereas, When Coretta Scott King graduated from the conservatory, the Kings moved to Montgomery, Alabama, and Martin Luther King, Jr. began his work as a minister;*

*Whereas, As the wife of a man committed to civil rights, Coretta Scott King did not have the normally quiet life of a minister's wife;*

*Whereas, With Martin Luther King's increased involvement in the civil rights movement came danger for the King family;*

*Whereas, The Montgomery bus boycott brought danger home in a terrifying way - the King house was bombed in 1956;*

*Whereas, Coretta Scott King was a full partner in her husband's work, walking beside him in marches, traveling abroad with him, and giving speeches when he was unable to do so;*

*Whereas, The threats to Martin Luther King were eventually carried out when, in Memphis, Tennessee, in 1968, he was assassinated;*

*Whereas, Coretta Scott King carried on with her husband's work when, just four days after his death, she led a march of 50,000 people through the streets of Memphis and took his place in the Poor People's March to Washington;*

*Whereas, Throughout her life, Coretta Scott King participated in the movement to secure equal rights and justice for all, including having a special audience with the Pope and preaching at St. Paul's Cathedral in London, probably the first woman ever to do so; but her greatest concern was the Martin Luther King Jr. Center for Nonviolent Social Change;*

*Whereas, Coretta Scott King worked tirelessly to raise funds for the center, which now covers three full blocks and houses a library and archives of the civil rights movement; and*

*Whereas, Throughout her life, Coretta Scott King spoke out against injustice, especially racial injustice, and worked to ensure that her husband's dream of fairness and equality could come true: Therefore,*

*Be it resolved by the House of Representatives of the General Assembly of the State of Indiana, the Senate concurring:*

SECTION 1. That the Indiana General Assembly recognizes the life and accomplishments of a woman who spoke for justice and equality throughout her life. Coretta Scott King faced danger and did

not flinch. She spoke out against injustice wherever she saw it. Coretta Scott King will live on in the hearts and minds of people everywhere.

SECTION 2. That the Principal Clerk of the House of Representatives shall transmit a copy of this resolution to the curator of the Martin Luther King, Jr. Center for Nonviolent Social Change.

The resolution was read a first time and adopted by voice vote. The Clerk was directed to inform the Senate of the passage of the resolution. Senate sponsors: Senators Howard and Breaux.

The Speaker yielded the gavel to the Speaker Pro Tempore, Representative Turner.

## House Resolution 11

Representative Burton introduced House Resolution 11:

A HOUSE RESOLUTION urging compassion and support for the disabled men and women who have served or will serve in the armed forces of the United States of America.

*Whereas, The Disabled American Veterans Department of Indiana (DAV) is located in Indianapolis, Indiana;*

*Whereas, The Disabled American Veterans Department was organized on November 22, 1932;*

*Whereas, There are 21,800 members of the Disabled American Veterans Department in the state of Indiana;*

*Whereas, The Disabled American Veterans Department was formed for the purpose of upholding and maintaining the constitution and laws of the United States, realizing the true American ideals and aims for which we fought, protecting and advancing the interest and welfare of all World War Veterans who were wounded, gassed, injured, or disabled during or by reason of such military service, cooperating with the Veterans Administration and all other public and private agencies devoted to the cause of relieving, improving, and advancing the physical and mental conditions, cure and medical treatment, health and economic interests of all such handicapped veterans, stimulating a feeling of mutual devotion, helpfulness, and comradeship among all veterans, and encouraging in all people that spirit of tolerance and understanding that will tend to guard against future wars;*

*Whereas, Commander Tony R. Craig became a non-commissioned officer in the United States Air Force and served on active duty from March 1983 through June 1992, when Commander Tony R. Craig incurred a service-related disability and was honorably discharged;*

*Whereas, Commander Tony R. Craig served during Operation Desert Storm/Shield as a Convoy Commander assigned to Central Operation Command and was awarded numerous decorations, including the Air Force Outstanding Unit Award with two bronze oak leaf clusters, the Southeast Asia Service Medal with one bronze oak leaf cluster, and the Air Force Achievement Medal for his meritorious service during his tenure on active military service;*

*Whereas, Commander Tony R. Craig supervises the Indianapolis DAV office; and, in July 2003, was appointed to the War Memorial Commission by the Governor of Indiana;*

*Whereas, Commander Tony R. Craig currently resides in White River Township with his wife, Pamela, and their four children, Calvin, Kristen, Scott, and Jacob;*

*Whereas, During his tenure, Commander Tony R. Craig has authorized funds for five new DAV vans, three new replacement vans are for LaPorte County, Vanderburgh County, and Harrison County; two new vans are for new territories of Hancock County and Parke County;*

*Whereas, Indiana has 45 DAV vans throughout the state that travel more than 900,000 miles transporting more than 40,000 veteran trips to Veterans Administration Centers; and*

*Whereas, Commander Tony R. Craig spearheaded the Disabled American Veterans to be a major participant in the Homeless/At-Risk Veterans stand down on October 14, 2005. The DAV sponsored a reception in Washington, D.C., for soldiers recuperating from injuries at Walter Reed Army Hospital as well as the Sports Clinic in*

*Snowmass, Colorado, in which three Indiana Veterans participated. Participants must have an amputation, a spinal cord injury, or visual impairment: Therefore,*

*Be it resolved by the House of Representatives  
of the General Assembly of the State of Indiana:*

SECTION 1. That the Indiana House of Representatives wishes to urge compassion and support for the disabled men and women who have served or will serve in the armed forces of the United States.

SECTION 2. That the Principal Clerk of the House of Representatives shall transmit a copy of this resolution to Commander Tony R. Craig and Mr. Donald D. Peek, Jr.

The resolution was read a first time and adopted by voice vote.

### House Resolution 12

Representative Burton introduced House Resolution 12:

A HOUSE RESOLUTION honoring Kenneth and Ruth Ellen Long.

*Whereas, Kenneth and Ruth Ellen Long are fitness and running enthusiasts;*

*Whereas, Kenneth Long was born in Clark Township on September 3, 1938, and Ruth Ellen was born on January 6, 1941;*

*Whereas, During high school, Kenneth was active in sports, particularly track and cross-country, and Ruth Ellen enjoyed band and club activities;*

*Whereas, As Kenneth concentrated on establishing his career, he abandoned the active lifestyle of his younger days;*

*Whereas, Ruth Ellen, running at the age of 36 in 1977, challenged him to a race;*

*Whereas, Kenneth was inspired by the challenge to improve his health through running and then qualified and ran in the Boston Marathon in 1982;*

*Whereas, In 1978, Kenneth and Ruth Ellen opened The Runners Forum, a specialty store for running footwear, apparel, and accessories, and began to organize runs to promote the store;*

*Whereas, In 1988, Kenneth and Ruth Ellen sold the retail portion of their business and renamed the special events portion Ken Long & Associates, specializing in the organization and administration of runs and walks; and*

*Whereas, In addition to his devotion to physical fitness, Kenneth Long serves on the 500 Festival Board, acted as the race director of the 500 Festival Mini-Marathon, the Long Distance Chairman, and President of the Indiana chapter of the USA Track and Field Association: Therefore,*

*Be it resolved by the House of Representatives  
of the General Assembly of the State of Indiana:*

SECTION 1. That the Indiana House of Representatives recognizes Kenneth and Ruth Ellen Long for their dedication to physical fitness and their efforts to help Hoosiers enjoy physical fitness.

SECTION 2. That the Principal Clerk of the House of Representatives shall transmit a copy of this resolution to Kenneth and Ruth Ellen Long.

The resolution was read a first time and adopted by voice vote.

### Senate Concurrent Resolution 26

The Speaker handed down Senate Concurrent Resolution 26, sponsored by Representatives Torr and Kuzman:

A CONCURRENT RESOLUTION honoring Steven Kirsh on receiving a 2005 Angels in Adoption award.

*Whereas, The Congressional Coalition on Adoption Institute (CCAI) provides an opportunity to all members of the U.S. Congress to honor constituents who have enriched the lives of foster children and orphans. The Angels in Adoption program is CCAI's signature public awareness program, which includes an annual event and gala in Washington, D.C.;*

*Whereas, Each member of Congress can nominate one constituent for the Angels in Adoption Program. In 2005, more than 190*

*members of Congress participated, making it the year's single most significant Congressional event pertaining to child welfare in the United States;*

*Whereas, Steven Kirsh, whose practice is based in Indianapolis, is the only attorney in the state of Indiana who specializes solely in adoption;*

*Whereas, Mr. Kirsh has worked with Indiana State legislators to conduct a comprehensive review of Indiana's adoption laws and regulations and has made recommendations for changes needed in order to make the process as easy and rewarding as possible for children and families. Mr. Kirsh's expertise and hard work have played an integral role in making Indiana's adoption laws and regulations the benchmark standard and national model for adoption laws across the nation;*

*Whereas, In addition to his involvement with Indiana adoption matters, Mr. Kirsh has also been very involved in promoting awareness of adoption at the national and international levels. Mr. Kirsh is an active member of the American Academy of Adoption Attorneys, where he has served as President and as a member of the Board of Trustees and currently holds the position of Treasurer. He is also a member of the official United States delegation to the drafting session of the Hague Convention on Inter-Country Adoption; and*

*Whereas, In recognition of his contributions to the field of adoption, Congressman Dan Burton nominated Steven Kirsh to receive an Angels in Adoption award for 2005: Therefore,*

*Be it resolved by the Senate  
of the General Assembly of the State of Indiana,  
the House of Representatives concurring:*

SECTION 1. That the Indiana General Assembly recognizes Steven Kirsh for his dedication and contribution to the field of adoption both in Indiana and on a national and international level and congratulates him on his receipt of the Angels in Adoption award.

SECTION 2. The Secretary of the Senate is hereby directed to transmit a copy of this resolution to Steven Kirsh.

The resolution was read a first time and adopted by voice vote. The Clerk was directed to inform the Senate of the passage of the resolution.

### Senate Concurrent Resolution 27

The Speaker handed down Senate Concurrent Resolution 27, sponsored by Representative Duncan:

A CONCURRENT RESOLUTION recognizing the sesquicentennial celebration of the town of Sunman in 2006.

*Whereas, In 1856, the town of Sunman was founded in Ripley County in southeastern Indiana;*

*Whereas, In celebration of the 150<sup>th</sup> anniversary of its founding, Sunman has planned a variety of events, including a Civil War re-enactment and encampment, a queen contest, and a beard judging contest;*

*Whereas, On September 2, 2006, the celebration will culminate with a flag raising and monument unveiling following the sesquicentennial parade at noon; and*

*Whereas, Sunman's sesquicentennial celebration has been scheduled to coincide with the Sunman Wine and Fireworks Festival: Therefore,*

*Be it resolved by the Senate  
of the General Assembly of the State of Indiana,  
the House of Representatives concurring:*

SECTION 1. The Indiana General Assembly honors the town of Sunman on the one hundred fifty year anniversary of its founding.

SECTION 2. The Secretary of the Senate is hereby directed to transmit a copy of this resolution to Sunman Town Board members Wayne Jenner, John Campbell, and Mike Wolffe.

The resolution was read a first time and adopted by voice vote. The Clerk was directed to inform the Senate of the passage of the resolution.

### Senate Concurrent Resolution 28

The Speaker handed down Senate Concurrent Resolution 28, sponsored by Representatives Budak, Crouch, Borrer, and Klinker:

A CONCURRENT RESOLUTION recognizing and honoring William Carson for his years of distinguished service to the building industry and to offer congratulations on his retirement.

*Whereas, Since graduating from Franklin College in 1961, William Carson has enjoyed a long and successful career in the building industry;*

*Whereas, After 42 years of service, Mr. Carson retired as Chief Executive Officer of the Indiana Builders Association (IBA) on January 1, 2006;*

*Whereas, During his career, Mr. Carson helped to enact numerous unique state laws to foster affordable housing in Indiana while serving as the registered lobbyist for housing and as the Chairman of the Board of the Association to Build a Better Indiana (the political action committee of the Indiana Builders Association);*

*Whereas, Mr. Carson also contributed to building industry publications as the editor of The Indiana Bildor, Indiana's monthly trade newspaper, and the author of "Diary of a Mad Home Builder," "Diary of a Mad Remodeler," and "High Pitches and Other Tall Tales";*

*Whereas, In addition to his involvement in the building industry, Mr. Carson has also been active in his community. He has served as the Chairman of the Marion County Sheriff's Advisory Board and is also known as a godfather of St. Mary's Child Center; and*

*Whereas, Mr. Carson's contributions to his profession have been recognized with several awards including the Seldon Hale Award, the nation's highest lifetime achievement honor from the National Association of Home Builders, and the John C. Hart Presidential Award, Indiana's highest housing award. In addition, William Carson has received multiple Sagamore of the Wabash awards in recognition of his contributions to the State: Therefore,*

*Be it resolved by the Senate  
of the General Assembly of the State of Indiana,  
the House of Representatives concurring:*

SECTION 1. That the Indiana General Assembly hereby recognizes the outstanding career and the many community contributions of William Carson and honors him upon his retirement.

SECTION 2. The Secretary of the Senate is hereby directed to transmit a copy of this resolution to William Carson.

The resolution was read a first time and adopted by voice vote. The Clerk was directed to inform the Senate of the passage of the resolution.

### Senate Concurrent Resolution 32

The Speaker handed down Senate Concurrent Resolution 32, sponsored by Representative Kuzman:

A CONCURRENT RESOLUTION to congratulate the Lowell High School Football Team on winning the 2005 Class 4A Football State Championship.

*Whereas, The Lowell High School Football Team overcame a slow 1-4 start, winning eight straight games to advance to the Class 4A semistate game;*

*Whereas, The Red Devils then defeated Fort Wayne South to earn the right to play Indianapolis Roncalli in the Class 4A State Championship game at the RCA Dome on Saturday, November 26, 2005;*

*Whereas, In the championship game, the Lowell Red Devils found themselves off to a slow start again, trailing 21-7 at the half. Regrouping at halftime, the Red Devils, who had worked together to overcome adversity numerous times throughout the season, rallied back in the second half;*

*Whereas, Sparked by a blocked extra point attempt in the third quarter and a momentum changing interception in the fourth quarter, the Lowell Red Devils defeated Roncalli 28-27, becoming the 2005 Class 4A State Champions;*

*Whereas, This championship marked the first State Championship Title in any sport for Lowell High School and brought the school into the spotlight throughout the state of Indiana; and*

*Whereas, The members of the Lowell High School Football Team are to be commended for their determination and outstanding achievements during the 2005 season: Therefore,*

*Be it resolved by the Senate  
of the General Assembly of the State of Indiana,  
the House of Representatives concurring:*

SECTION 1. That the Indiana General Assembly congratulates the Lowell High School Football Team on winning the 2005 Class 4A State Championship Title.

SECTION 2. The Secretary of the Senate is hereby directed to transmit copies of this resolution to Superintendent of the Tri-Creek School Corporation, Dr. Alice Neal; Lowell High School Principal, James Koger; and Red Devil Football Coach, Kirk Kennedy.

The resolution was read a first time and adopted by voice vote. The Clerk was directed to inform the Senate of the passage of the resolution.

### Senate Concurrent Resolution 33

The Speaker handed down Senate Concurrent Resolution 33, sponsored by Representative Frizzell:

A CONCURRENT RESOLUTION to congratulate Millard Fuller on receiving the first Servant's Heart Award presented by the People Helping People Network.

*Whereas, The People Helping People Network is an Indianapolis-based non-profit organization, established by Jeff Cardwell in 2001, to provide an avenue for people in a community to connect and make a positive difference locally;*

*Whereas, The People Helping People Network awards the Servant's Heart Award to individuals who exemplify the program's philosophy by working to meet the needs of others and making the world a better place;*

*Whereas, In 1976, Millard Fuller, along with his wife Linda, founded Habitat for Humanity International, a Christian organization established to eliminate substandard housing. Since its inception, Habitat for Humanity International has built more than 200,000 homes in more than 1,700 U.S. cities and 99 other countries;*

*Whereas, In 2005, after separating from Habitat for Humanity International, the Fullers formed a new enterprise, The Fuller Center for Housing. This new organization provides funding and other support for Habitat for Humanity affiliates and other organizations working to provide decent housing for people in need worldwide;*

*Whereas, Millard Fuller has earned many accolades for his work. Professional Builder Magazine named Fuller Builder of the Year in 1995. Then in 1996, President Clinton awarded him the Medal of Freedom. In addition, both the King Center and the State of Georgia granted him the Martin Luther King, Jr. Humanitarian Award. The Fullers have also received the prestigious Harry S. Truman Public Service Award; and*

*Whereas, On October 14, 2005, the Points of Light Foundation and former President George Bush and Barbara Bush honored the Fullers with the Points of Light Volunteer Award. A plaque honoring the Fullers is positioned on the Extra Mile Pathway, a new national monument adjacent to the White House: Therefore,*

*Be it resolved by the Senate  
of the General Assembly of the State of Indiana,  
the House of Representatives concurring:*

SECTION 1. That the Indiana General Assembly congratulates Millard and Linda Fuller on receiving the Servant's Heart Award and commends them for their dedication to providing affordable housing to those in need.

SECTION 2. The Secretary of the Senate is hereby directed to transmit a copy of this resolution to Millard and Linda Fuller and Jeff Cardwell, President of the People Helping People Network.

The resolution was read a first time and adopted by voice vote. The Clerk was directed to inform the Senate of the passage of the resolution.

The House recessed until the fall of the gavel.

## RECESS

The House reconvened at 4:20 p.m. with the Speaker in the Chair.

### MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has passed House Concurrent Resolutions 29, 30, and 31 and the same are herewith returned to the House.

MARY C. MENDEL  
Principal Secretary of the Senate

### INTRODUCTION OF BILLS

The following bills were read a first time by title and referred to the respective committees:

**ESB 33** — Koch, T. Brown, Klinker, Micon

Committee on Family, Children and Human Affairs

A BILL FOR AN ACT to amend the Indiana Code concerning probate.

**ESB 55** — Buell, Kromkowski

Committee on Public Safety and Homeland Security

A BILL FOR AN ACT to amend the Indiana Code concerning pensions.

**ESB 57** — Buell, Kromkowski

Committee on Ways and Means

A BILL FOR AN ACT to amend the Indiana Code concerning pensions.

**ESB 58** — Buell, Kromkowski

Committee on Employment and Labor

A BILL FOR AN ACT to amend the Indiana Code concerning pensions.

**ESB 83** — Torr, Bardon

Committee on Courts and Criminal Code

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

**ESB 85** — Buell, Kromkowski

Committee on Employment and Labor

A BILL FOR AN ACT to amend the Indiana Code concerning pensions.

**ESB 89** — Koch, Pelath

Committee on Government and Regulatory Reform

A BILL FOR AN ACT to amend the Indiana Code concerning state and local administration.

**ESB 153** — Richardson

Committee on Ways and Means

A BILL FOR AN ACT to amend the Indiana Code concerning family law and juvenile law.

**ESB 206** — Buell, Kromkowski

Committee on Public Safety and Homeland Security

A BILL FOR AN ACT to amend the Indiana Code concerning pensions.

**ESB 230** — Behning, Micon

Committee on Financial Institutions

A BILL FOR AN ACT to amend the Indiana Code concerning education.

**ESB 251** — Cherry, Buell, Cochran

Committee on Roads and Transportation

A BILL FOR AN ACT to amend the Indiana Code concerning motor vehicles.

**ESB 270** — T. Brown, C. Brown

Committee on Public Health

A BILL FOR AN ACT to amend the Indiana Code concerning human services.

**ESB 275** — Foley, Kuzman

Committee on Courts and Criminal Code

A BILL FOR AN ACT to amend the Indiana Code concerning corrections.

**ESB 277** — C. Brown, V. Smith, Ayres, Stevenson

Committee on Local Government

A BILL FOR AN ACT to amend the Indiana Code concerning local government.

**ESB 284** — T. Brown, C. Brown

Committee on Public Health

A BILL FOR AN ACT to amend the Indiana Code concerning health.

**ESB 299** — Ulmer, Kuzman

Committee on Courts and Criminal Code

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

**ESB 300** — Foley, L. Lawson

Committee on Courts and Criminal Code

A BILL FOR AN ACT to amend the Indiana Code concerning state and local administration.

**ESB 303** — Duncan, Davis, Goodin

Committee on Roads and Transportation

A BILL FOR AN ACT to amend the Indiana Code concerning motor vehicles.

**ESB 305** — Hinkle, Klinker

Committee on Roads and Transportation

A BILL FOR AN ACT to amend the Indiana Code concerning education.

**ESB 308** — T. Brown, Welch, Tyler

Committee on Public Health

A BILL FOR AN ACT concerning Medicaid.

**ESB 314** — Friend, Gutwein, Hoffman, Grubb

Committee on Agriculture and Rural Development

A BILL FOR AN ACT to amend the Indiana Code concerning natural and cultural resources.

**ESB 324** — Noe, Behning

Committee on Education

A BILL FOR AN ACT to amend the Indiana Code concerning education.

**ESB 332** — Buell, Kromkowski

Committee on Employment and Labor

A BILL FOR AN ACT to amend the Indiana Code concerning pensions.

**ESB 333** — T. Harris, Crooks

Committee on Employment and Labor

A BILL FOR AN ACT to amend the Indiana Code concerning professions and occupations.

**ESB 336** — Ayres, Welch, Budak

Committee on Public Health

A BILL FOR AN ACT to amend the Indiana Code concerning education.

**ESB 338** — Frizzell

Committee on Courts and Criminal Code

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

**ESB 339** — Duncan, Davis, Goodin

Committee on Roads and Transportation

A BILL FOR AN ACT to amend the Indiana Code concerning motor vehicles.

**ESB 340** — Borrer, Pflum

Committee on Employment and Labor

A BILL FOR AN ACT to amend the Indiana Code concerning state offices and administration.

**ESB 341** — Porter

Committee on Local Government

A BILL FOR AN ACT to amend the Indiana Code concerning local government.

**ESB 342** — Messer

Committee on Public Health

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

**ESB 345** — Espich

Committee on Ways and Means

A BILL FOR AN ACT to amend the Indiana Code concerning state and local administration and to make an appropriation.

**ESB 349** — Burton

Committee on Insurance

A BILL FOR AN ACT to amend the Indiana Code concerning insurance and to make an appropriation.

**ESB 353** — Gutwein, Friend, Grubb, Dvorak

Committee on Utilities and Energy

A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

**ESB 359** — Messer, Reske

Committee on Government and Regulatory Reform

A BILL FOR AN ACT to amend the Indiana Code concerning state and local administration.

**ESB 360** — Espich, Noe, Crawford

Committee on Insurance

A BILL FOR AN ACT to amend the Indiana Code concerning state and local administration.

**ESB 361** — Saunders, T. Harris, Turner, Koch

Committee on Government and Regulatory Reform

A BILL FOR AN ACT to amend the Indiana Code concerning motor vehicles.

**ESB 363** — Thomas, Austin

Committee on Technology, Research and Development

A BILL FOR AN ACT to amend the Indiana Code concerning state offices and administration.

**ESB 365** — Buell, Espich, Crawford

Committee on Ways and Means

A BILL FOR AN ACT to amend the Indiana Code concerning state and local administration.

**ESB 369** — Wolkins, Dvorak, Thompson

Committee on Natural Resources

A BILL FOR AN ACT to amend the Indiana Code concerning natural and cultural resources.

**ESB 373** — Foley, Summers

Committee on Family, Children and Human Affairs

A BILL FOR AN ACT to amend the Indiana Code concerning human services.

**ESB 382** — Crouch, Hoy

Committee on Commerce, Economic

Development and Small Business

A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

## RESOLUTIONS ON FIRST READING

### House Concurrent Resolution 34

Representative V. Smith introduced House Concurrent Resolution 34:

A CONCURRENT RESOLUTION urging municipalities and local governments to adopt ordinances to restrict smoking in restaurants and public places.

*Whereas, Secondhand smoke is responsible for more than 38,000 deaths in the United States annually;*

*Whereas, It is the duty of government to protect all citizens, particularly children, from the dangers of secondhand smoke in restaurants and public places;*

*Whereas, It has been shown that ventilation systems do not provide adequate protection from secondhand smoke;*

*Whereas, Workers who work in smoke-filled restaurants have cancer rates four times greater than workers in office buildings where smoking is prohibited;*

*Whereas, Workers should not be forced to choose between having a job and protecting their health;*

*Whereas, Numerous studies have found that tobacco smoke is a major contributor to indoor air pollution, and that breathing secondhand smoke is a cause of disease, including heart disease, stroke, respiratory disease, and lung cancer, in healthy nonsmokers;*

*Whereas, The Centers for Disease Control and Prevention recommends implementing smoking bans as a way of reducing tobacco use and secondhand smoke exposure;*

*Whereas, Ten states, including California, Delaware, Maine, Massachusetts, Connecticut, Rhode Island, and New York, several countries, including Ireland, New Zealand, and Sweden, and many communities across America have passed bans on smoking in all workplaces, including restaurants and bars;*

*Whereas, Philip Morris Tobacco Company concedes that "conclusions of public health officials concerning environmental tobacco smoke are sufficient to warrant measures that regulate smoking in public places"; and*

*Whereas, We all have the right to breathe clean, safe, smoke-free air: Therefore,*

*Be it resolved by the House of Representatives of the General Assembly of the State of Indiana, the Senate concurring:*

SECTION 1. That the members of the Indiana General Assembly urge municipalities and local governments to adopt ordinances to restrict smoking in restaurants and public places.

SECTION 2. That the Principal Clerk of the House of Representatives shall transmit a copy of this resolution to all 92 county councils.

The resolution was read a first time and referred to the Committee on Rules and Legislative Procedures.

## OTHER BUSINESS ON THE SPEAKER'S TABLE

### Reassignments

The Speaker announced the following reassignments:

Engrossed Bill 88 from the Committee on Roads and Transportation to the Committee on Public Policy.

Engrossed Bill 321 from the Committee on Insurance to the Committee on Employment and Labor.

### HOUSE MOTION

Mr. Speaker: I move that Representative Ripley be removed as sponsor of Engrossed Senate Bill 112, Representative Klinker be substituted as sponsor, and Representative Ripley be added as cosponsor.

RIPLEY

Motion prevailed.



Pursuant to House Rule 60, committee meetings were announced.

On the motion of Representative Walorski, the House adjourned at 4:25 p.m., this seventh day of February, 2006, until Monday, February 13, 2006, at 1:30 p.m.

BRIAN C. BOSMA  
Speaker of the House of Representatives

M. CAROLINE SPOTTS  
Principal Clerk of the House of Representatives